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November 30, 2006

**VIA E-FILING & HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 King Street  
Wilmington, Delaware 19801

RE: *Creedon Controls, Inc. v. Banc One Building Corporation, et al.*,  
C.A. No. 05-300-JJF

Dear Judge Farnan:

We, along with Paul, Hastings, Janofsky & Walker, LLP, represent Banc One Building Corporation (“BOBC”) in this action. As the Court is aware, the pretrial conference in this case is currently scheduled for January 11, 2007 at 2:00 p.m. However, as a result of scheduling of certain expert depositions as set forth below, we respectfully request that the Court reset the pretrial conference to a date following the conclusion of expert discovery. Despite efforts to informally address and resolve this matter, Plaintiff, Creedon Controls, Inc. (“Creedon”), refuses to agree to the requested adjournment. Defendant Forest Electric Corporation (“Forest”), however, consents to the relief requested herein.

In an order dated September 18, 2006, the Court set November 1, 2006, as the date for a pretrial conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.4. At the request of Creedon’s counsel, that conference was cancelled and, pursuant to the Court’s order dated September 25, 2005 (the “Order”), the Court set January 11, 2006 as the date for the pretrial conference. Under the Order, “[t]he Federal Rules of Civil Procedure and Rule 16.5 of the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995) shall govern the pretrial conference.” Accordingly, by its terms, the Order contemplates that the parties to this action will have concluded discovery and will have discussed and formulated a proposed pretrial order. See Fed. R. Civ. P. 16(c)(10), D.

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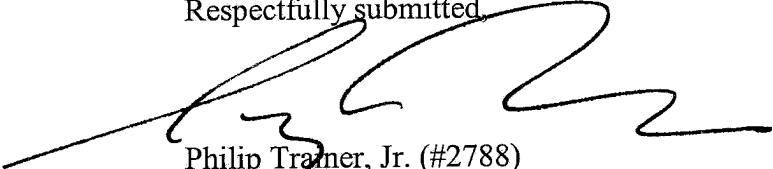
Del. LR 16.4(d). Given the events described below, we believe the parties will be unable reasonably to fulfill those requirements in time for a conference on January 11, 2007.

As of the date of this letter, the parties have exchanged expert reports, taken the depositions of Creedon's expert witnesses and scheduled the deposition of BOBC's expert witness for December 20, 2006. However, the only date available for all parties to take the deposition of Forest's expert witness is January 15, 2006, and Creedon has noticed the deposition for that date. Given that the pretrial conference, if it proceeded as currently scheduled, would occur *prior to* the deposition of Forest's expert, it makes little sense to attempt to prepare a complete pretrial order and to convene a pretrial conference without having fully completed expert discovery. At a minimum, all of the parties should have the opportunity to depose all the experts before any pretrial conference to ensure that all issues, disputed or otherwise, may be identified and addressed in the proposed pretrial order as required by local rule. See D. Del. LR 16.4. Otherwise there is a reasonable likelihood that the parties would again be back before the Court to resolve any open expert discovery disputes, as well as the proposed pretrial order.

Accordingly, BOBC respectfully requests that the Court adjourn the January 11, 2006 pretrial conference to a date after the scheduled deposition of Forest's expert. BOBC believes that such an adjournment is in the interests of the parties and the Court. Moreover, BOBC respectfully submits that such an adjournment should not serve to delay the trial of this action, as any trial date will necessarily be dictated by the Court's calendar in any event.

Naturally, should the Court have any questions, we are available at the Court's convenience.

Respectfully submitted,



Philip Trainer, Jr. (#2788)

cc: Paul Bradley, Esq. (*via e-filing*)  
Robert Beste, Esq. (*via e-filing*)

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